

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated August 29, 2007. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-6, 9-20 and 23-32 are pending in the Application. Claims 1, 15 and 28 are independent claims.

In the Office Action, claims 1-5, 9, 10, 12, 13, 15-19, 23, 24 and 26 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Publication No. 2002/0120935 to Huber ("Huber"). Claims 6 and 20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Huber in view of U.S. Patent No. 6,553,347 to Tavor ("Tavor"). Claims 11, 14, 25 and 27 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Huber in view of U.S. Patent Publication No. 2005/0015815 to Shoff ("Shoff"). Claim 28 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Huber in view of Walden in further view of Tavor. Claim 29 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Huber in view of Walden in further view of U.S. Patent Publication No. 2002/0059590 to Kitsukawa ("Kitsukawa"). Claims 30 and 31 are rejected under 35 U.S.C.

\$103(a) as allegedly unpatentable over Huber in view of U.S. Patent Publication No. 2003/0130983 to Rebane ("Rebane"). Claim 32 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Huber in view of Tavor in further view of Rebane. This position is respectfully traversed. It is respectfully submitted that the claims are allowable over any of Huber alone and in combination with Tavor, Shoff, Kitsukawa and Rebane for at least the following reasons.

The Office Action has taken a position in a Response to Arguments portion on page 3 that since "the applicant's specification does not specifically disclose the terminology 'not associated with a source of the video program' ... [that] external sources such as websites" are interpreted by the Office Action as fulfilling the claim element of "not associated with a source of the video program" as recited in the claims. This position is respectfully refuted. It is respectfully submitted that a mere website that is associated with a source of the video program does not disclose or suggest the claim element.

As made clear by the specification of the current patent application, (emphasis added) "current online agents simply act as advanced versions of a typical search engine, where the improvement

concept is searching within various shopping sites and looking for the best deal. The agents are one-dimensional as they are limited to the search of only one particular product and limited to the databases of only participating online stores." (See, page 3, lines 13-17.) It is respectfully submitted that the Applicants recognized that "data casting systems may already exist, i.e. video stream with embedded information for interactive use" such as shown in Huber. Yet as in Huber, (emphasis added) "the broadcaster is the party preparing the content and inserting the information, thus acting on behalf of the seller or advertiser and not on behalf of a consumer." (See, present patent application, page 4, lines 13-15.)

The present application makes clear that (emphasis added) "[a]n autonomous search 50 from a variety of information sources is performed after the user selects a certain product." (See, FIG. 2 and page 17, lines 13-14.) "The autonomous search 50 can perform the search by utilizing a list of websites which are categorized according to the source. For example, at least three such groups of websites can exist: user's custom list, advertiser's list based on metadata provided by the advertisers, and a system generated list which could be based on the user's shopping habits. The list of websites can be stored either locally within the set-top box in

the memory, or in a content provider's system. The list can be periodically updated through the Internet by setting up a software robot which would visit these websites and provide updates on their status." (See, page 18, lines 7-15.)

The present system clearly contemplates and discloses and claims more than a system merely acting on behalf of the seller or advertiser as stipulated by Huber. Hubers use of the Internet does not change this characterization as suggested by the Office Action.

Huber makes clear that (emphasis added) "Advertisements may be associated with images contained in a program or advertisement of an interactive media presentation." (See, Abstract.) How can the Office Action equate this to (illustrative emphasis added) "performing a search to identify data related to the selected product including at least one source not associated with a source of the video program" as required by Claim 1, and as substantially required by each of Claims 15 and 28. Several pages and paragraphs of Huber are cited for showing this feature yet none of the cited pages or paragraphs in fact refute the position stated above regarding the shortcomings of Huber. While page 2, paragraph 15 does stipulate that a response to an advertising message may be routed to cable television or the Internet ..., certainly the

claims of the present patent application may not be read so broadly.

Accordingly, it is respectfully submitted that the method of Claim 1 is not anticipated or made obvious by the teachings of Huber alone, or in any combination with Tavor, Shoff, Kitsukawa and Rebane. For example, Huber, alone, or in any combination with Tavor, Shoff, Kitsukawa and Rebane does disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "performing a search to identify data related to the selected product including at least one source not associated with a source of the video program" as required by Claim 1, and as substantially required by each of Claims 15 and 28. Tavor, Shoff, Kitsukawa and Rebane are cited for allegedly showing other features of the claims yet in any event, do not cure the deficiencies in Huber.

Based on the foregoing, the Applicants respectfully submit that independent Claims 1, 15, and 28 are patentable over Huber, alone, and in any combination with Tavor, Shoff, Kitsukawa and Rebane and notice to this effect is earnestly solicited. Claims 2-6, 9-14, 16-20 and 23-32 respectively depend from one of Claims 1, 15 and 28 and accordingly are allowable for at least this reason as

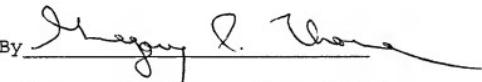
well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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Serial No. 10/014,258  
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Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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